Remarks/Arguments

Claims 1-30 were pending in this application. Claims 1, 10, and 13 have been amended herein. Claims 31-36 have been added. Claims 1-36 will be pending upon entry of this response. A fee for added claims is included herewith.

Applicants have discovered a typographic error in paragraph [0015] in that an incorrect reference number is specified near the end of the paragraph. Applicants have amended this paragraph of the specification so that the correct reference number is specified. The error is obvious from a review of the drawings and does not constitute new matter. Applicants trust that this change will meet with the Examiner's approval.

The Examiner has rejected claims 13-21 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Examiner states that these claims recite a "computer program product" but "do not positively recite that the instructions are stored on a tangible device nor are they used to cause a device to operate." Applicants have amended claim 13 substantially as recommended by the Examiner. Claims 14-21 are so amended through their dependency from claim 13. Claims 13-21 now comply with 35 U.S.C. § 101.

The Examiner has rejected claims 1-30 under 35 U.S.C. § 103(a) as obvious in view of Panda ActiveScan ("Panda") in combination with U.S. Patent No. 6,311,171 to Dent. In order to establish the obviousness of a claim, the Examiner must show that teaching corresponding to *all* of the claim recitations are present in or suggested by the prior art. M.P.E.P. § 2143.03. Claim 22 as originally filed, as well as claims 1, 10 and 13 as amended, all recite the detection and/or disablement of malicious code on a customer computer "in association with . . . providing the on-line financial services." The detection of malicious code *in association with the provision of on-line financial services* allows a financial institution to extend its security perimeter around a customer when the customer is performing on-line transactions. Panda teaches only the stand-alone capability of on-line scanning of a computer for malicious code. Panda does not teach disabling of malicious code on a customer computer *in association with providing the on-line financial services*. Dent is cited only for teaching the authenticating a customer and the providing of on-line financial services to the customer. Even if Panda and Dent were combinable, the combination simply results in two stand-alone functions. Support for this recitation can be found in claim 22 and in the specification, for example, near the beginning of

paragraph [0004]. All other claims are dependent from one of the claims mentioned above and so are patentable over the combination of Panda and Dent for at lest this same reason. Claims 1-30 are not obvious in view of the combination of Panda and Dent.
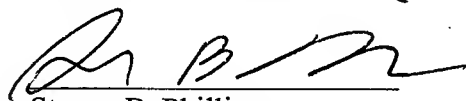
New claims 31-35 further define an embodiment of the invention wherein reference can be made by the scanning software to "a database of code that the customer has previously identified as safe." Support for these claims can be found in Fig. 2 and in the specification in paragraph [0016]. Since these claims each depend from one of the independent claims discussed above, new claims 31-35 are patentable over the art cited by the Examiner for at least the same reasons discussed above. However, Panda does not mention referring to a database of previously identified safe code. Again, Dent is cited by the Examiner only for teaching the authenticating a customer and the providing of on-line financial services to the customer. Thus, claims 31-35 are patentable over the combination of Panda and Dent for at least these additional reasons.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Reconsideration of this application as amended is hereby requested.

Respectfully submitted,

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